

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45628 of 2021

Arising Out of PS. Case No.-277 Year-2021 Thana- SAKRA District- Muzaffarpur

Sanjay Roy Son of Late Avindra Roy Resident of Village - Abdulpur Rainy,
P.S.- Sakra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 21-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sakra P.S.
Case No. 277 of 2021 registered for the offence under Sections
411, 414, 427, 353, 431 and 34 of the Indian Penal Code,
Sections 177, 179, 192, 192 (B) and 196 of the Motor Vehicles
Act, Section 21 of M & M (D & R) Act and Rules 56 (1) and 56
(2) of the Bihar Minerals (CPIMTS) Rules.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.05.2021.

The allegation against the petitioner is to to be the
owner of the JCB machine engaged in illegal mining of sand.



Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of unknown person being part of the crowd. It has further been submitted that the petitioner is not the owner of the recovered JCB machine and have nothing to do with the illegal mining of sand. It has also been submitted that the petitioner is a man of clean antecedent and chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances as mentioned above, as nothing incriminating available on record, which may connect the petitioner with seized JCB machine and further to have involved in the illegal mining of sand, let the petitioner, above named, is directed to be released on bail in connection with Sakra P.S. Case No. 277 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XII-cum-Sub Judge-IV, Muzaffarpur, subject to the following conditions:

“(i) Accused/Petitioner shall



cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Manish Kumar, who is the nephew of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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